

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1104

Short Title: Assistance by DMV Officers.

(Public)

Sponsors: Representatives Ellis; and Nichols.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT GRANTING ENFORCEMENT INSPECTORS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-49.1. Assistance by Division officers and agents.**

The Commissioner and any officers and inspectors of the Division that he designates shall have authority to enforce the criminal laws of this State under the following circumstances:

(1) The officer or inspector has probable cause to believe that a person committed a criminal offense in his presence and at the time of the violation the officer or inspector is engaged in the enforcement of laws otherwise within his subject-matter jurisdiction;

(2) The officer or inspector is asked to provide temporary assistance by a State or local law enforcement officer who at the time of the request is acting within the scope of his subject-matter and territorial jurisdiction;

or

(3) The officer or inspector is asked to provide temporary assistance by the head of a State or local law enforcement agency or his designee

1                   and the request is within the scope of the agency's subject-matter and  
2                   territorial jurisdiction.

3           While acting pursuant to this section, an officer or inspector shall have the same  
4 powers invested in law enforcement officers by statute or common law. In addition, an  
5 officer or inspector who acts pursuant to this section shall not be construed to expand  
6 the authority of officers or inspectors to initiate or conduct an independent investigation  
7 into violations of criminal laws outside the scope of their subject-matter or territorial  
8 jurisdiction.

9           The powers granted by this section are in addition to any other powers the officers or  
10 inspectors have according to law."

11           Sec. 2. This act is effective upon ratification.